

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,
Plaintiff,

vs.

ROBERT TURNER,
Defendant.

Case No. 99-10023-04-JTM

MEMORANDUM AND ORDER

This matter is before the court on defendant Robert Turner's Motion for Reconsideration of this court's Order (Dkt. 313) determining that it was without jurisdiction to alter the judgment's imposition of joint and several liability for restitution. (Dkt. 181). *See United States v. Rodriguez*, No. 01-497-RDR, 2008 WL 5203722, *2 (S.D.N.Y. Dec. 11, 2008) (court was without jurisdiction to modify joint and several restitution order outside the time limits of Fed.R.Crim.Pr. 35). Under D.Kan.R. 7.3, motions to reconsider "must be based on an intervening change in controlling law, the availability of new evidence, or the need to correct clear error or prevent manifest injustice." D. Kan. Rule 7.3(b)(1)-(3).

In his original motion, Turner had sought to modify or limit the total amount of

restitution owed, not on the basis of a change in his economic circumstances or his ability to pay restitution under 18 U.S.C. § 3664(k), but rather advancing a general attack on the joint and several nature of the restitution order itself. Turner complained that “it is unfair for one defendant to pay for more than his/her share.” (Dkt. 312, at 2).

The present motion for reconsideration offers no additional argument, and simply repeats the argument that joint and several liability “is unfair.” (Dkt. 314 at 2). Nothing in the motion presents any justification for concluding that the court has jurisdiction to alter the judgment.

IT IS ACCORDINGLY ORDERED this 6th day of June, 2016, that the defendant’s Motion for Reconsideration (Dkt. 314) is denied.

s/J. Thomas Marten
J. THOMAS MARTEN, JUDGE